



Linda S. Adams
Secretary for
Environmental Protection



Department of Toxic Substances Control

Maureen F. Gorsen, Director
8800 Cal Center Drive
Sacramento, California 95826-3200



Arnold Schwarzenegger
Governor

August 20, 2007

Certified Mail: 7003 3110 0003 0767 8035

Mr. Philip C. Perley
Closed Sites Project Manager
Chemical Waste Management Inc.
908 Tujunga Avenue
Sun Valley, California 91352

APPEAL OF PERMIT DECISION – CHEMICAL WASTE MANAGEMENT – BAKERSFIELD, POST-CLOSURE PERMIT (CAT000624056)

Dear Mr. Perley:

The Department of Toxic Substances Control (DTSC) has received your July 19, 2007 Petition for Review (Petition) of DTSC's final permit decision issued on June 19, 2007 concerning this facility.

This confirms that pursuant to California Code of Regulations, title 22, section 66271.14, subdivision (b)(2), the Post-Closure Permit 05-SAC-10 is stayed until DTSC has completed its preliminary review of the Petition and has determined, which, if any, of the issues raised in the Petition meet the criteria set forth in California Code of Regulations, title 22, section 66271.18 for granting review. This also confirms that the Facility's previous permit will remain in effect until further notice from DTSC.

Your transmittal letter requests that DTSC "hold this petition in abeyance while we work in good faith with DTSC on the reclassification or "clean closure" options." California Code of Regulations, title 22, section 66271.18 (c) requires DTSC to issue an order either granting or denying review within a "reasonable time following the filing of the petition for review." The considerations set forth in your transmittal letter support granting a stay of this appeal proceeding until October 18, 2007. DTSC will commence review of the Petition after October 18, 2007 unless a request to extend the stay of the appeal proceeding based on good cause is granted by DTSC.

Your letter also requests that, if and when DTSC processes this appeal, that you be allowed to provide supplemental briefing on the issues you have raised. The regulations require that a petition for review be filed within thirty days after a final permit decision. The petition is required to include a statement of reasons supporting that review. (California Code of Regulations, title 22, section 66271.18 (a)) DTSC's

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decision to grant or deny review of the petition for review is based on the petition having been filed within the regulatory time requirements. DTSC will not accept supplemental briefing on the petition for review prior to its decision to grant or deny review of the petition.

Following expiration of the stay of this appeal proceeding, DTSC will issue an order either granting or denying the Petition for Review. If DTSC grants review, DTSC will thereafter issue a public notice which will establish a briefing schedule for submission of written arguments. You will have an opportunity to submit additional arguments on the issues that have been granted review at that time. Following the close of the briefing period, DTSC will consider the submitted arguments and issue an order which will constitute the final permit decision.

Having been appointed by Deputy Director Watson Gin to review and render a decision on this Petition, I have a duty to remain neutral in the process and to refrain from ex parte communications with any parties about the substance of the Permit and the merits of the Petition. However, you and others representing the Petitioner may continue to communicate with staff in DTSC's Northern California Permitting and Corrective Action Branch.

If you have any questions or require additional information about the permit appeal process and procedures, you may contact Ms. Ann Carberry (916) 322-1131 or acarberr@dtsc.ca.gov.

For questions or substantive information about current permit requirements and/or the proposed new Permit, please feel free to contact Mr. Scott Ward in our Sacramento office at (916) 255-3581 or sward@dtsc.ca.gov or his supervisor Mr. Wade Cornwell at (916) 255-3573 or wcornwel@dtsc.ca.gov.

Sincerely,

Original Signed by

Mohinder S. Sandhu, P.E., Chief
Standardized Permitting and Corrective Action Branch
Hazardous Waste Management Program

cc: See next page

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cc: Mr. Steve Armann
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